

MHBU190000432006

R.D. No. 2000033/2009



Vaijinath Ramprasad Shelke Vs.

Bhaurao Jija Hivale

**Order Below Exh.1**

1. Perused the record, it shows that the court was passed an order below Exh.01 dated 11.03.2026. and thereby fixed the execution for dismissed in default for want of prosecution. Today, the D.H. through legal heirs and his counsel remained absent before the court when proceeding is called on for hearing.

2. This execution petition is old. This Court has issued execution warrant against Judgment Debtor. However Decree Holder has remain absent in relation taking appropriate step in execution. Ld. Advocate for decree holder has submitted pursis dated 20.03.2026 that decree holder through legal heirs, they are not responding to him. Therefore, He submitted no instruction pursis to this court. This court has suo-moto issue notice to the decree holder through legal representative, to remain present to the court. However, the reports of bailiff on Exh. 88, 89, 90 and 91. The reports are regarding execution of notices to decree holder. Despite of Summons/Notice decree holders are remained absent to this court.

3. It appears that decree is pending for execution. Decree Holder through legal representative remain absent to this

court. It appears that decree holders have no interest to proceed with this decree against the Judgment Debtor. Considering above mentioned circumstances, I am of the opinion that the D.H. is not interested to proceed with the execution. Hence, following order will be proper.

**ORDER**

01. The execution is dismissed in default for want of prosecution under Order IX Rule 3 of the Civil Procedure Code.

Place : Sindkhed Raja

(Praful B. Telgote)

Date : 04/05/2026

Jt.Civil Judge Junior Division,  
Sindkhed Raja.